

02/06/2013

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 83-11974
 NAME AND ADDRESS: STATE OF IDAHO
 DEPARTMENT OF LANDS
 300 N 6TH ST, STE 103
 PO BOX 83720
 BOISE ID 83720-0050
 SOURCE: UNNAMED STREAM
 UNNAMED STREAM
 TRIBUTARY: CRANBERRY CREEK
 TRIBUTARY: NORTH FORK CLEARWATER RIVER
 QUANTITY: 2.850 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

The capacity of the 3 storage reservoirs is 1.40 AF. The reservoirs may be refilled multiple times up to the total diversion volume in a single year.

PRIORITY DATE: The quantity of water under this right for industrial use shall not exceed 0.20 acre-feet per day.
 09/08/1968

POINT OF
DIVERSION:

T38N R02E S4 NENE Lot 1 Within CLEARWATER County
 T38N R02E S12 SENW Within CLEARWATER County
 T38N R02E S14 NWNE Within CLEARWATER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
INDUSTRIAL STORAGE	01/01 12/31	2.85 AFY
FIRE PROTECTION STORAGE	01/01 12/31	2.85 AFY
FIRE PROTECTION FROM STORAGE	01/01 12/31	2.85 AFY
STOCKWATER STORAGE	01/01 12/31	2.85 AFY
STOCKWATER FROM STORAGE	01/01 12/31	2.85 AFY
INDUSTRIAL FROM STORAGE	01/01 12/31	2.85 AFY

Industrial use is for forest practices and forest dust abatement as provided for by Section 42-201, Idaho Code.

PLACE OF
USE:

STOCKWATER FROM STORAGE in CLEARWATER County

T38N R02E S04 Lot 1 NENE	T38N R02E S12	SENE
T38N R02E S14 NWNE		

INDUSTRIAL FROM STORAGE in CLEARWATER County

T38N R02E S04 Lot 1 NENE	T38N R02E S04 Lot 2 NWNE
T38N R02E S04 SWNE	T38N R02E S04 SENE
T38N R02E S04 Lot 3 NENW	T38N R02E S04 Lot 4 NWNW
T38N R02E S04 SWNW	T38N R02E S04 SENW
T38N R02E S04 NESW	T38N R02E S04 NWSW
T38N R02E S04 SWSW	T38N R02E S04 SESW
T38N R02E S04 NESE	T38N R02E S04 NWSE
T38N R02E S04 SWSE	T38N R02E S04 SESE
T38N R02E S12 NENE	T38N R02E S12 NWNE
T38N R02E S12 SWNE	T38N R02E S12 SENE
T38N R02E S12 NENW	T38N R02E S12 NWNW

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T38N R02E S12	SWNW	T38N R02E S12	SESW
T38N R02E S12	NESW	T38N R02E S12	NWSW
T38N R02E S12	SWSW	T38N R02E S12	SESW
T38N R02E S12	NESE	T38N R02E S12	NWSE
T38N R02E S12	SWSE	T38N R02E S12	SESE
T38N R02E S14	NENE	T38N R02E S14	NWNE
T38N R02E S14	SWNE	T38N R02E S14	SENE
T38N R02E S14	NENW	T38N R02E S14	NWNW
T38N R02E S14	SWNW	T38N R02E S14	SESW
T38N R02E S14	NESW	T38N R02E S14	NWSW
T38N R02E S14	SWSW	T38N R02E S14	SESW
T38N R02E S14	NESE	T38N R02E S14	NWSE
T38N R02E S14	SWSE	T38N R02E S14	SESE

FIRE PROTECTION STORAGE in CLEARWATER County

T38N R02E S04 Lot 1	NENE	T38N R02E S04 Lot 2	NWNE
T38N R02E S04	SWNE	T38N R02E S04	SENE
T38N R02E S04 Lot 3	NENW	T38N R02E S04 Lot 4	NWNW
T38N R02E S04	SWNW	T38N R02E S04	SESW
T38N R02E S04	NESW	T38N R02E S04	NWSW
T38N R02E S04	SWSW	T38N R02E S04	SESW
T38N R02E S04	NESE	T38N R02E S04	NWSE
T38N R02E S04	SWSE	T38N R02E S04	SESE
T38N R02E S12	NENE	T38N R02E S12	NWNE
T38N R02E S12	SWNE	T38N R02E S12	SENE
T38N R02E S12	NENW	T38N R02E S12	NWNW
T38N R02E S12	SWNW	T38N R02E S12	SESW
T38N R02E S12	NESW	T38N R02E S12	NWSW
T38N R02E S12	SWSW	T38N R02E S12	SESW
T38N R02E S12	NESE	T38N R02E S12	NWSE
T38N R02E S12	SWSE	T38N R02E S12	SESE
T38N R02E S14	NENE	T38N R02E S14	NWNE
T38N R02E S14	SWNE	T38N R02E S14	SENE
T38N R02E S14	NENW	T38N R02E S14	NWNW
T38N R02E S14	SWNW	T38N R02E S14	SESW
T38N R02E S14	NESW	T38N R02E S14	NWSW
T38N R02E S14	SWSW	T38N R02E S14	SESW
T38N R02E S14	NESE	T38N R02E S14	NWSE
T38N R02E S14	SWSE	T38N R02E S14	SESE

FIRE PROTECTION FROM STORAGE same as STOCKWATER FROM STORAGE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

02/06/2013

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SPLIT RIGHT: SEE RIGHT NOS. 83-11974 & 83-11977.

Idaho Department of Water Resources

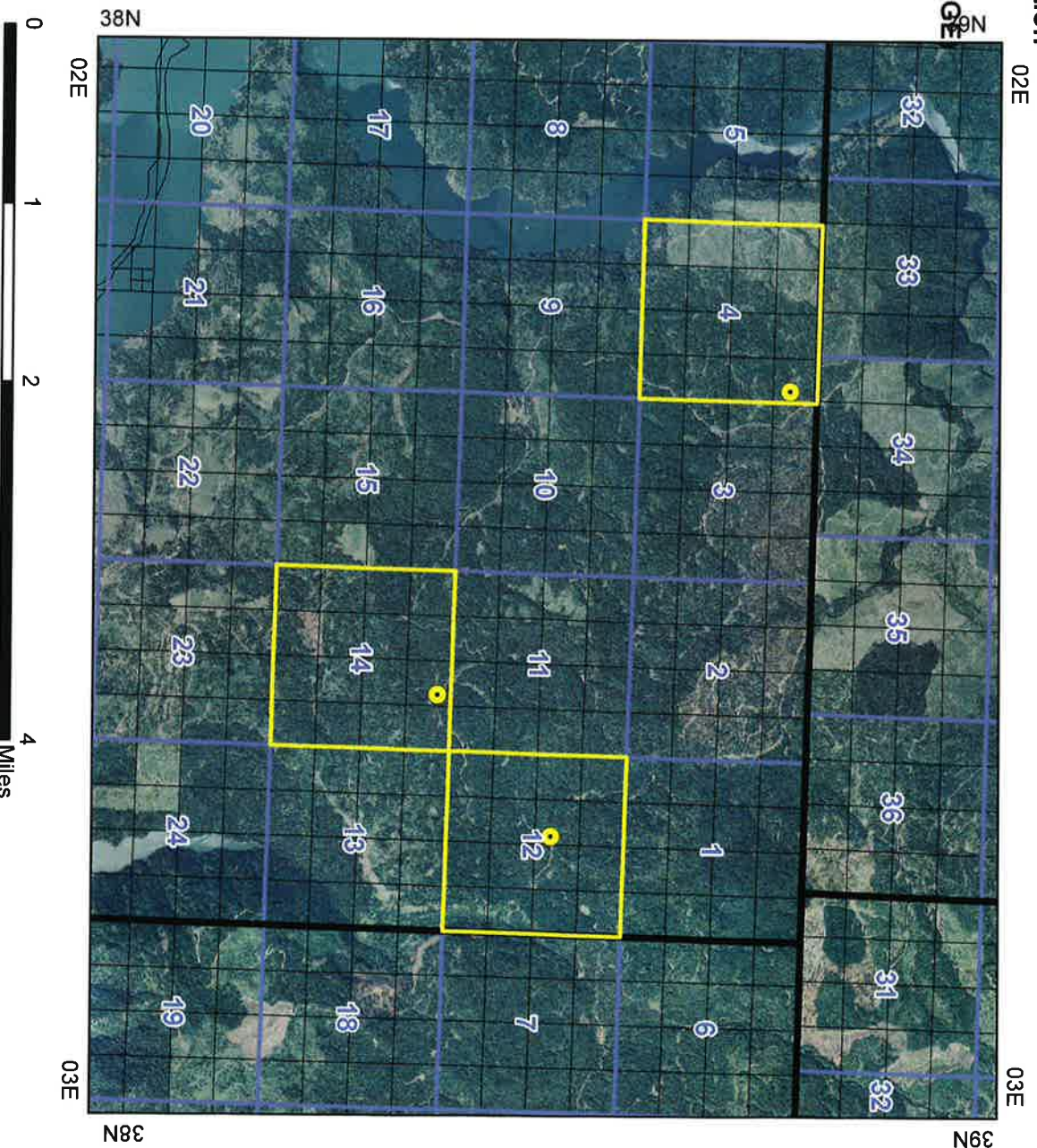
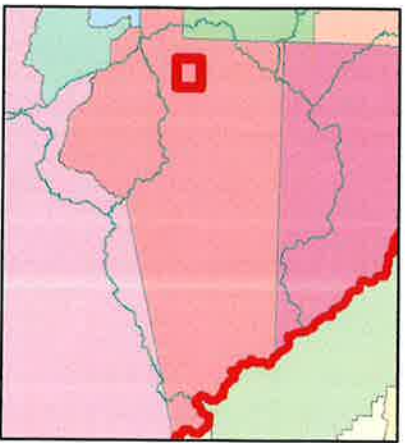


Adjudication Recommendation

83-11974

(INDUSTRIAL FROM STORAGE)

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Clearwater County

IDWR Basin 83

Prepared by Clelland, Steve

2009 Aerial Photography

Idaho Department of Water Resources

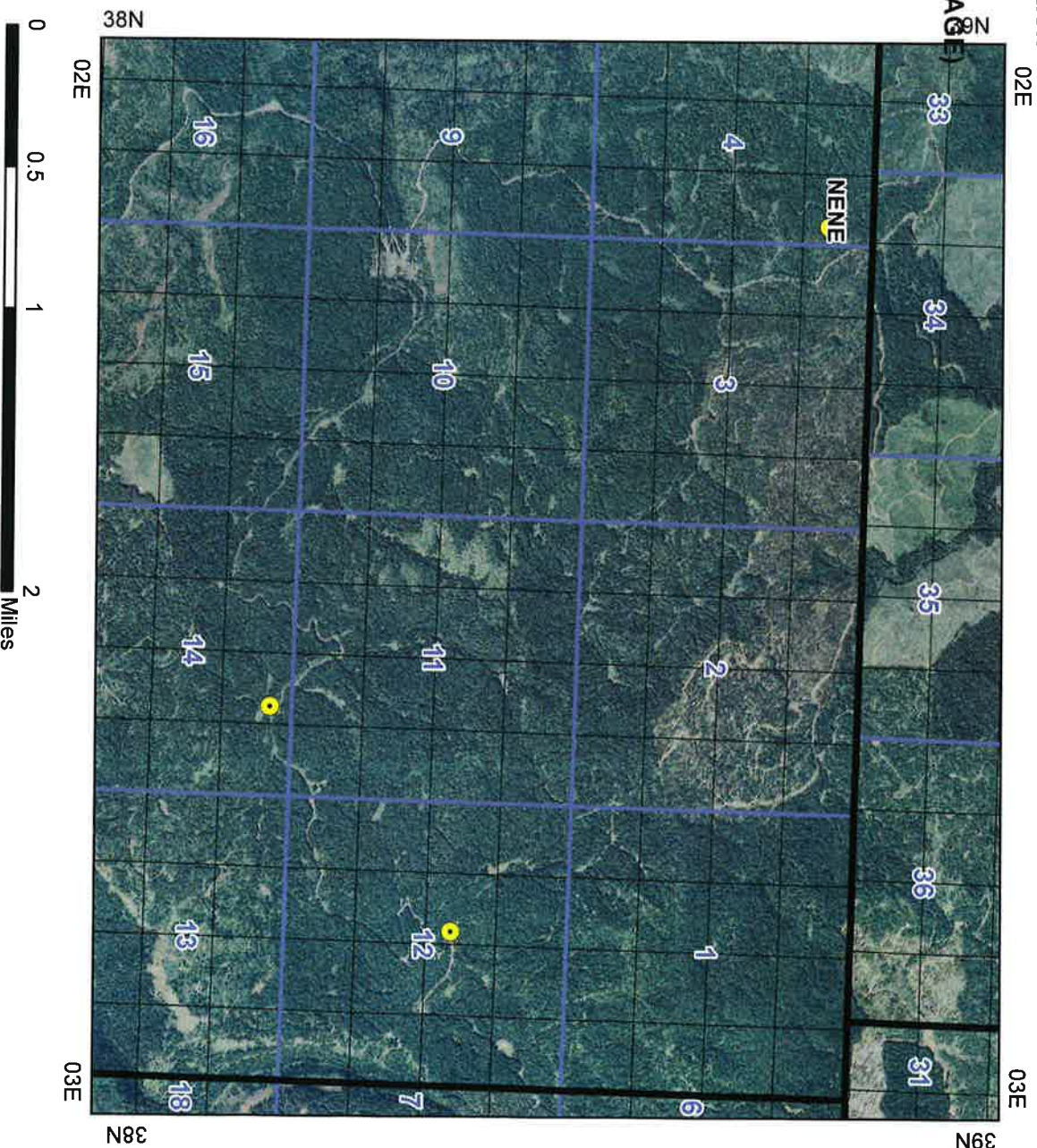
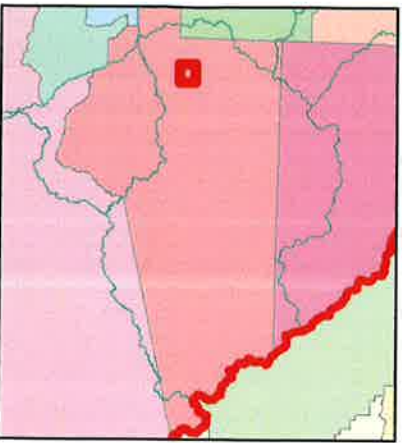


Adjudication Recommendation

83-11974

(STOCKWATER FROM STORAGE)

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Clearwater County

IDWR Basin 83

Prepared by Clelland, Steve

2009 Aerial Photography

EMAIL LIST = TYSON

Claim Nos. 81-12000 et al.

Summary of issues to resolve based on the recommendations and objections.

***Revising the industrial use remark is common to all claims.

81-12000

- Split 81-12000 into two claims by grouping the ponds identified on the map that are separated by Maggie Creek.
- A claim will have pond nos. 42-5, 42-6, and 42-20.
- A claim will have pond no. 42-10.

82-12247

- Purpose of Use: Add industrial and industrial from storage.
- Place of Use: Add industrial and industrial from storage; the described POUs is the same as the locations for fire protection from storage.

83-11974

- Split 83-11974 into two claims by grouping the ponds identified on the map that are separated by the North Fork of the Clearwater River.
- A claim will have with pond nos. 40-26, 40-27, 40-28, 40-29, and 40-53.
- A claim will have pond nos. 40-23, 40-24, and 40-30.

84-12267

- Point of Diversion: Delete pond no. 42-44, located in SWNE of Section 19, T35N, R05E.
- Place of Use: Delete the POU in Section 19, T35N, R05E for all purposes.
- Quantity: The quantity should be reduced to 1.41 AFY. Total pond capacity should be reduced to 0.40 AF.

84-12270

- Quantity: The quantity is correct (2.69 AFY), but the total capacity of the two storage reservoirs is 1.26 AF.

84-12272

- Purpose of Use: Add stockwater.
- Place of Use: Add stockwater; the described POUs will be the same as the POD locations.

X07-
"IND. USE / DUST"

N17-
"Q limit 0.20 AF/day"

Refill - #164

N105 - N108

* ERROR IN
POU
T40?
= T38 S.12

5/8/12

83-11974

* 7 POUNDS * = 5.84 AF

3 ponds in North are separated from
4 ponds in the South by the North Fork
of the CLEARWATER RIVER! (Dworshek Res.)
* NOT A SINGLE system to be Claimed
in one claim.

CLAIM MUST BE SPLIT.

→ 83-11977

5/22/12 **DISALLOW** — **PO3** no beneficial use.

- Can't use Sources for Uses on POU as Claimed,
- Claim needs Clarification to uses being claimed or described.

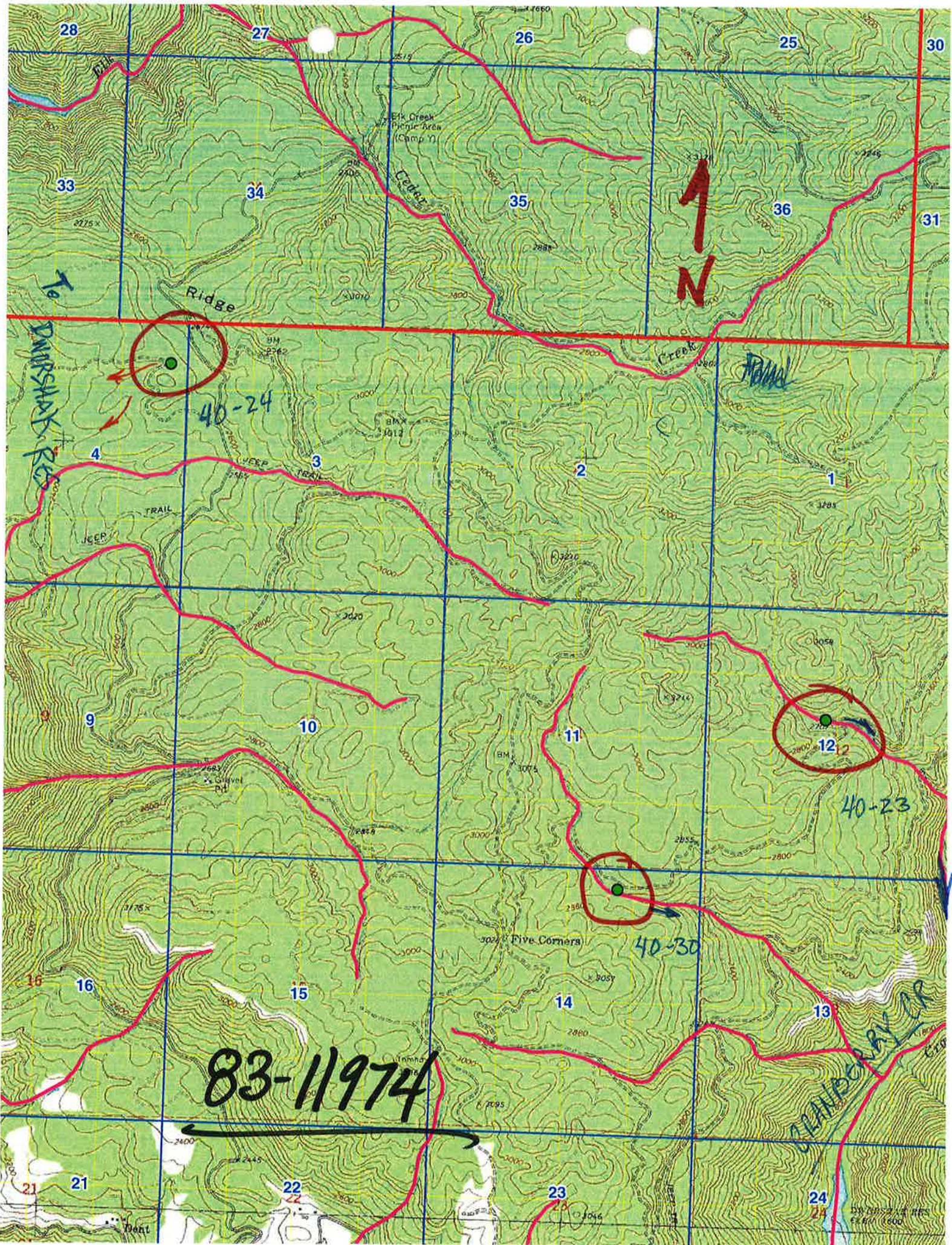
83-11974 (3 North ponds)

3 ponds	SIZE	USE
40-23	.49	.99
40-24	.68	1.29
40-30	.23	.57
	<u>1.4</u>	<u>2.85</u>

83-11977 (4 South ponds)

	SIZE	USE
40-27	1.35	2.37
40-28	.73	1.38
40-29	1.97	3.37
40-53	.39	.83
	<u>4.44</u>	<u>7.95</u>

4 ponds



**MICA SUPERVISORY
AREA**

3258 West Industrial Loop
Coeur d'Alene ID 83815
Phone (208) 769-1577
Fax (208) 769-1597



TOM SCHULTS, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS

C.L. "Butch" Otter, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Donna M. Jones, State Controller
Tom Luna, Sup't of Public Instruction

September 26, 2011

RECEIVED

SEP 23 2011

DEPARTMENT OF
WATER RESOURCES

Idaho Department of Water Resources
Attn: Craig Saxton
Idaho Water Center
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Fee Payment for Claim No. 83-11974

Dear Mr. Saxton:

The Idaho Department of Lands ("IDL") has prepared a late Notice of Claim for the above-referenced water right claim and will file a Motion to File Late Notice of Claim in the SRBA Court. In the event the SRBA Court grants IDL's motion, IDL requests that the Idaho Department of Water Resources initiate a SA-50 Interagency Billing Statement to bill IDL for the claim filing fee and the late claim fee. *\$280⁰⁰ cs*

If you have any questions, feel free to contact me at mdenney@idl.idaho.gov or 208-769-1577. Thank you for your assistance in this matter.

Sincerely,

Michael R. Denney
Area Manager- Mica